

## **REMARKS**

### **I.     *Status of the Claims***

Claims 3-42 are pending in the application.

Claims 1 and 2 previously were cancelled without prejudice.

Claims 43-67 were withdrawn from consideration by the Examiner as being directed to a non-elected invention.

Claims 3-42 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 3-42 also were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

### **II.     *The Specification Discloses An Apparatus For Use By A Technician To Facilitate At Least One Of Testing And Diagnosing The Condition Of a Device.***

The Examiner has rejected claims 3-42 on the grounds that the specification purportedly does not disclose an apparatus for use by a technician to facilitate at least one of testing and diagnosing the condition of a device. 35 U.S.C. § 112, first paragraph, is satisfied when “the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed.” MPEP § 2163.02. “An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.” MPEP § 2163.

Each of claims 3-42 recites in its preamble, explicitly or by reference, an “apparatus for use by a technician to facilitate at least one of testing and diagnosing the condition of a device.” The foregoing language in claims 3-42 is supported throughout

Applicants' specification because, as indicated by the title of the present application, the specification discloses an "Apparatus and Method for Using a Wearable Computer in Testing and Diagnostic Applications." Further support for the foregoing can be found in the specification at, e.g., page 3, lines 13-15 ("[I]t would be desirable to provide an on-site technician with the ability to use a wearable computer that combines numerous pieces of testing and diagnostic equipment into a single component . . . ."); page 3, line 21 - page 4, line 1 ("The present invention is a method and apparatus for using a wearable computer in on-site testing and diagnostic analysis applications. For example, the present invention may be used in manufacturing, maintenance, and repair applications as well as any other industrial, manufacturing, or construction applications where electrical, electronic, mechanical, and/or electro-mechanical components are tested or otherwise analyzed."); and page 4, lines 15-18 ("The present invention overcomes the limitations of conventional testing and diagnostic equipment and procedures by combining the numerous individual conventional testing and diagnostic devices that are generally used into a single compact unit that is portable.").

In view of the above, Applicants respectfully submit that the specification discloses an apparatus for use by a technician to facilitate at least one of testing and diagnosing the condition of a device and request that this ground of rejection be withdrawn.

### **III. *The Specification Discloses Communications Channels.***

The Examiner has rejected claims 3-42 on the grounds that the specification does not disclose communications channels. Although the term "communications channel" does not explicitly appear in the specification, Applicants respectfully submit that the term is implicit from the disclosure. "When an explicit limitation in a claim 'is not present in the written description whose benefit is sought it must be shown that a person of ordinary skill would have understood, at the time the patent application was filed, that the description

requires that limitation.” MPEP § 2163 (quoting Hyatt v. Boone, 146 F.3d 1348, 1353 (Fed. Cir. 1998)).

At the outset, one skilled in the art would understand that the communications channels recited in claims 3-42 are used as channels through which the various components of the present invention communicate with each other. As provided in the “Webopedia” online encyclopedia (available at <http://www.webopedia.com/TERM/c/channel.html> (a copy of the cited page is attached hereto as Exhibit A)), “In communications, the term *channel* refers to a communications path between two computers or devices. It can refer to the physical medium (the wires) or to a set of properties that distinguishes one channel from another.” In addition, Applicants’ specification provides support for the communications channels recited in claims 3-42. Support for the communications channels recited in claims 3-42 can be found in at least the following portions of the specification.

**A. First Communications Channel**

Support for “a first communications channel connecting said computer and said data collection instrument” recited in claims 3-42 can be found in Applicants’ specification at, *e.g.*, page 10, line 19 - page 11, line 16 (“[P]robe 1000 may be connected to computer 5000 using a USB, PCI, PXI, serial, or PCMCIA interface and any modifications necessary to allow computer 5000 to use a desired access protocol.”). Further support can be found at, *e.g.*, page 16, lines 20-21, page 17, lines 5-7, and page 17, line 23 - page 18, line 2.

**B. Second and Sixth Communications Channel**

Support for “a second communications channel connecting said computer and said first camera” as recited in claims 3-40 and 42 can be found in Applicants’ specification at, *e.g.*, page 20, lines 5-8 (“Referring to FIG. 2, camera 2000 transmits video data to computer 5000 using video cable 2100. In one embodiment of the present invention, video cable 2100 is a USB cable. However, video cable 2100 may be any means suitable for

transmitting video data including, without limitation, a USB v 2.0 or “firewire” interface.”), and page 21, lines 1-11 (“[T]he snapshots are downloaded to computer 5000 using video cable 2510.”). Further support can be found at, *e.g.*, page 22, lines 13-15. The foregoing portions of the specification also provide support for a “sixth communications channel connecting said computer and said second camera” as recited in claims 3-40.

Support for “a second communications channel connecting said computer and said first camera” as recited in claim 41 (wherein said first camera is an infrared camera) can be found in Applicants’ specification at, *e.g.*, page 21, lines 1-11 and page 22, lines 13-15.

**C. Third Communications Channel**

Support for “a third communications channel connecting said computer, said microphone and said speaker” as recited in claims 3-38 and 41-42 can be found in Applicants’ specification at, *e.g.*, page 27, lines 1-14 (“Headset 3000 preferably comprises a speaker 3010 and microphone 3020. Audio data preferably is transmitted from headset 3000 to computer 5000 using audio cable 3100.”). The foregoing portion of the specification also provides support for “a third communications channel connecting said computer and said headset” as recited in claims 39-40.

**D. Fourth Communications Channel**

Support for “a fourth communications channel connecting said computer and said first display unit” as recited in claims 3-38 and 41 can be found in Applicants’ specification at, *e.g.*, page 23, lines 23-24 (“Display unit 4000 is connected to computer 5000 using display cable 4100.”). The foregoing portion of the specification also provides support for a “fourth communications channel connecting said computer and said display unit” as recited in claims 39-40 and 42.

**E. Fifth Communications Channel**

Support for “a fifth communications channel connecting said computer and a remote data processor” as recited in claims 3-38 and 41-42 can be found in Applicants’ specification at, e.g., page 9, lines 1-4 (“Using, for example, an Aironet wireless communication system . . . computer 5000 is able to transmit and receive data over a WLAN connection using the IEEE 802.11(x) protocol.”); page 11, lines 17-19 (“The present invention may use wireless communication to permit collaborative data gathering and/or problem resolution between the technician wearing the present invention and the remote expert.”); and page 15, lines 9-23 (“In addition to these examples, any other type of wireless communication may be used with the present invention.”). Further support is provided at, e.g., page 4, lines 11-14, page 6, lines 16-18, page 10, lines 14-17, and page 12, lines 8-11.

The foregoing portions of Applicants’ specification also provide support for a “fifth communications channel connecting said computer and a remote location” as recited in claims 39-40.

The specification satisfies 35 U.S.C. § 112, first paragraph, and thus provides support for claims 3-42, because the communications channels are disclosed in the specification and such disclosure conveys to one skilled in the art that Applicants were in possession of the claimed communications channels as of the application’s filing date. Accordingly, Applicants respectfully request that the Examiner’s rejection of these claims be withdrawn.

**IV. *The Communications Channel Limitations Of Claims 3-42 Satisfy 35 U.S.C. § 112, Second Paragraph.***

The communications channel limitations of claims 3-42 satisfy 35 U.S.C. § 112, second paragraph. Section 112, second paragraph, is satisfied when the claim as a whole “apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph.” MPEP § 2173.02. The Examiner

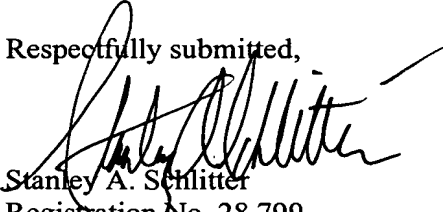
maintains that “[c]laims 3, 39, 41, and 42 each claim ‘communications channels’ which are unclear and indefinite, since they are not disclosed in the specification.” As provided in Part III above, support for the communications channel limitations recited in claims 3-42 is provided in Applicants’ specification. In addition, the inclusion of the communications channel limitations in claims 3-42 appraises one skilled in the art of each claim’s scope when each claim is considered as a whole. Applicants respectfully request that the Examiner’s rejections of claims 3-42 under section 112, paragraph 2, be withdrawn.

**V. Conclusion**

In light of the foregoing, Applicants respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action, and, as such, the present application is in condition for allowance.

Please direct any questions regarding this Response to the undersigned attorney at (312) 923-2712. In addition, please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 10-0460.

Respectfully submitted,

  
Stanley A. Schlitter  
Registration No. 28,799  
Attorney for Applicants

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Jenner & Block, LLC  
One IBM Plaza  
Chicago, Illinois 60611  
(312) 222-9350

## EXHIBIT A



nev

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## channel

Last modified: Monday, September 01, 1997

(1) In communications, the term *channel* refers to a communications path between two computers or devices. It can refer to the physical medium (the wires) or to a set of properties that distinguishes one channel from another. For example, *TV channels* refer to particular frequencies at which radio waves are transmitted. *IRC channels* refer to specific discussions.

(2) For IBM PS/2 computers, a channel is the same as an expansion bus.

(3) In sales and marketing, the way in which a vendor communicates with and sells products to consumers.

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### Building Your Own Channel

HotWired Webmonkey article (June 1997) on learning how to make your own Netcaster channel.

### Yahoo!'s IRC channels page

Yahoo!'s directory of IRC channels.

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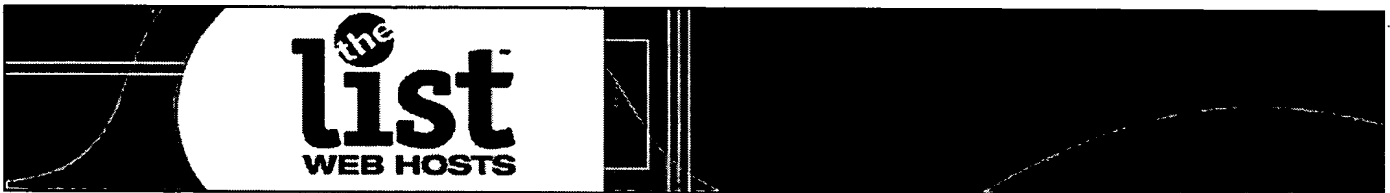
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